

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL ANGEL PENALOZA
GARCIA,

Defendant.

Case No. SA 16-040M

ORDER OF DETENTION

I.

A. () On motion of the Government in a case allegedly involving:

1. () a crime of violence.

2. () an offense with maximum sentence of life imprisonment or death.

3. () a narcotics or controlled substance offense with maximum sentence of
ten years or more.

4. () any felony - where defendant convicted of two or more prior offenses
described above.

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III.

The Court has considered:

- A. (X) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- B. (X) the weight of the evidence against the defendant;
- C. (X) the history and characteristics of the defendant; and
- D. (X) the nature and seriousness of the danger to any person or the community.

IV.

The Court also has considered all the evidence presented at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

V.

The Court bases the foregoing finding(s) on the following:

- A. (X) As to flight risk:
Background information unknown due to failure to interview; lack of bail resources; undocumented status; prior deportation.
- B. (X) As to danger:
Criminal history includes drug possession for sales conviction.
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VI.

- A. () The Court finds that a serious risk exists the defendant will:
1. () obstruct or attempt to obstruct justice.
 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

1 B. The Court bases the foregoing finding(s) on the following:
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5 **VII.**

6 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

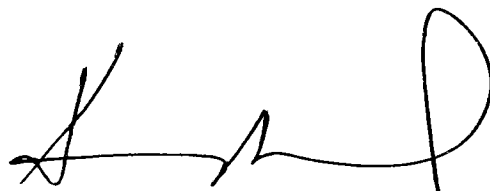
7 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
8 Attorney General for confinement in a corrections facility separate, to the extent
9 practicable, from persons awaiting or serving sentences or being held in custody
10 pending appeal.

11 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
12 for private consultation with counsel.

13 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
14 request of any attorney for the Government, the person in charge of the corrections
15 facility in which defendant is confined deliver the defendant to a United States
16 marshal for the purpose of an appearance in connection with a court proceeding.

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18 Dated: _____

1/28/2016



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21 DOUGLAS F. McCORMICK
22 United States Magistrate Judge
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